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MASSHEALTH  
CITIZENSHIP AND IMMIGRATION

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**Rev. 07/14/03**518.001: Introduction

Persons applying for or receiving MassHealth must verify their citizenship or immigration status.

518.002: Requirements

(A) Citizen. A citizen of the United States is:

- (1) an individual born in the United States or its territories including Puerto Rico, the Virgin Islands, and Guam;
- (2) an individual born of a parent who is a U.S. citizen; or
- (3) a naturalized citizen.

(B) Qualified Alien. The following persons are considered qualified aliens for the purposes of MassHealth eligibility. Aliens described in 130 CMR 518.002(B)(1), (2), and (3) are considered qualified aliens if they either entered the United States on or after August 22, 1996, and five years have passed from the date they attained an immigration status described in 130 CMR 518.002(B)(1), (2), or (3); or they attained such status before August 22, 1996; or they have been continuously present since before August 22, 1996. Date of entry into the United States is not considered for aliens qualified under 130 CMR 518.002(B)(4) through (12), even if they are also described in 130 CMR 518.002(B)(1), (2), and (3).

- (1) Persons admitted for legal permanent residence (LPR) under the Immigration and Nationality Act (INA).
- (2) Persons granted parole for at least one year under section 212(d)(5) of the INA.
- (3) Conditional entrants under section 203(a)(7) of the INA as in effect before April 1, 1980.
- (4) Persons granted asylum under section 208 of the INA.
- (5) Refugees admitted under section 207 of the INA.
- (6) Persons whose deportation has been withheld under section 243(h) or 241(b)(3) of the INA, as provided by section 5562 of the federal Balanced Budget Act of 1997.

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- (7) (a) Veterans of the United States Armed Forces with an honorable discharge not related to their alien status.
- (b) Filipino war veterans who fought under U.S. command during WWII.
- (c) Hmong and Highland Lao veterans who are admitted for legal permanent residence (LPR) and who fought under U.S. command during the Vietnam War.
- (d) Persons with alien status on active duty in the U.S. Armed Forces, other than active duty for training.
- (e) The spouse, unremarried surviving spouse, or unmarried dependent children of the alien described in 130 CMR 518.002(B)(7)(a) through (d).

(8) Aliens or their unmarried dependent children, as defined in federal law, who have been subjected to battery or extreme cruelty by their spouse, parent, sponsor, or a member of their household, and who no longer live in the same household as the batterer.

(9) Persons who entered as Cuban/Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980.

(10) Native Americans with at least 50 percent American Indian blood who were born in Canada pursuant to section 289 of the INA or other tribal members born in territories outside of the U.S. pursuant to 25 U.S.C. 450b(e).

(11) Amerasians admitted pursuant to section 584 of Public Law 100-202.

(12) Victims of severe forms of trafficking.

(C) Protected Alien. Aliens who are not qualified aliens but who are aliens with special status or nonqualified aliens, as described at 130 CMR 518.002(D) and (E), are considered protected aliens and may receive MassHealth regardless of immigration status, if they meet one of the following conditions and are otherwise eligible. This status continues until a determination of ineligibility due to failure to meet categorical or financial eligibility requirements has been made.

- (1) They were receiving medical assistance on June 30, 1997.
- (2) They had a long-term-care application pending on July 1, 1997.
- (3) They lived in a long-term-care facility on June 30, 1997, but had not yet applied for MassHealth.

(D) Alien with Special Status. Certain aliens who are not qualified aliens are afforded eligibility for MassHealth based on provisions of state law as described in 130 CMR 518.002(D).

- (1) Persons permanently living in the United States under color of law (PRUCOLs) are described in 42 CFR 435.408(b)(3) through (7), (b)(10) through (14), and (b)(16), and include the following.

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- (a) Aliens living in the United States in accordance with an indefinite stay of deportation.
- (b) Aliens living in the United States in accordance with an indefinite voluntary departure.
- (c) Aliens and their families who are covered by an approved immediate relative petition, who are entitled to voluntary departure, and whose departure the United States Department of Homeland Security (DHS) does not contemplate enforcing.
- (d) Aliens who have filed applications for adjustment of status that the DHS has accepted as "properly filed," and whose departure the DHS does not contemplate enforcing.
- (e) Aliens granted stays of deportation by court order, statute, or regulation, by individual determination of the DHS, or relevant DHS instructions, and whose departure the DHS does not contemplate enforcing.
- (f) Aliens granted voluntary departure by the DHS or an Immigration Judge, and whose deportation the DHS does not contemplate enforcing.
- (g) Aliens granted deferred action status.
- (h) Aliens living under orders of supervision.
- (i) Aliens who have entered and continuously lived in the United States since before January 1, 1972.
- (j) Aliens granted suspension of deportation, and whose departure the DHS does not contemplate enforcing.
- (k) Any other aliens living in the United States with the knowledge and consent of the DHS, and whose departure the DHS does not contemplate enforcing. (These include permanent nonimmigrants as established by Public Law 99-239, and persons granted Extended Voluntary Departure due to conditions in the alien's home country based on a determination by the Secretary of State.)

(2) Persons described below who are not otherwise defined as qualified aliens under 130 CMR 518.002(B) are the following.

- (a) Persons admitted for legal permanent residence (LPR) under the INA.
- (b) Persons granted parole for at least one year under section 212(d)(5) of the INA.
- (c) Conditional entrants under section 203(a)(7) of the INA as in effect before April 1, 1980.

(E) Nonqualified Alien. Aliens whose status is not described in 130 CMR 518.002(B), (C), or (D) are considered nonqualified aliens.

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(F) Applicable Coverage Types.

- (1) Citizens, qualified aliens, and protected aliens may receive MassHealth under any coverage type for which they are eligible.
- (2) Aliens with special status may not receive coverage under MassHealth Standard, Buy-In, Senior Buy-In, or CommonHealth. However, they may be eligible for MassHealth Essential if they meet the eligibility requirements in 130 CMR 519.013 and MassHealth Limited if they meet the eligibility requirements of Essential at 130 CMR 519.013.
- (3) Nonqualified aliens may only receive MassHealth Limited if they meet the eligibility requirements at 130 CMR 519.009.

(G) Verification of Immigration Status.

- (1) A determination of eligibility is made as of the date the application and all required information, except verification of immigration status, is received by MassHealth.
- (2) MassHealth submits the names of qualified aliens to the DHS for confirmation of immigration status.
- (3) MassHealth requests verification of immigration status subsequent to the eligibility determination from:
  - (a) qualified aliens who did not submit verification of their immigration status with the application, and for whom the DHS has been unable to confirm their status as described at 130 CMR 518.002(G)(2); and
  - (b) aliens with special status who did not submit verification of their immigration status with the application.
- (4) Aliens who fail to submit verification of their immigration status as described in 130 CMR 518.002(G)(3) within 60 days of MassHealth's information request are subsequently eligible only for MassHealth Limited if they meet the eligibility requirements of 130 CMR 519.009.